47. A method for distributing program guide data
to a plurality of receivers through a plurality of local
systems, comprising:

providing the program guide data from a
main facility to a plurality of feed generators, each feed
generator having an associated list of receiver addresses,
and wherein different respective portions of the program
guide data are associated with each of the lists of receiver
addresses; and

using each feed generator to distribute the
portion of the program guide data associated with its list
of receiver addresses to a different subplurality of the
local systems associated with that feed generator. --

REMARKS

Introduction

Applicants have amended the specification and
claims 14-26, 28, and 30. New claims 31-47 have been added.
Claims 1-30 have been rejected. Reconsideration of this
application in view of the following remarks is respectfully
requested.

The Amendment to the Specification

The specification has been amended to correct
minor typographical errors.

The Amendment to the Claims

Claims 14-26, 28, and 30 have been amended to further define the invention. New claims 31-47 have been added to cover further features of the present invention.

The Rejections Based on 35 U.S.C. § 103(a)

Claims 1-30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Roop et al. U.S. Patent 5,619,274 (hereinafter "Roop") in view of Pinder et al. U.S. Patent 5,742,677 (hereinafter "Pinder") and Aristides et al. U.S. Patent 5,630,119 (hereinafter "Aristides"). These rejections are respectfully traversed.

Claims 1-26

The Examiner contends that the invention of claims 1 and 14 is not novel when compared with the system and process for television schedule information transmission and utilization encountered in Roop. However, nothing in Roop shows or suggests applicants' system and method for distributing program guide data from a plurality of selectively configurable queues. There is no indication in Roop of arranging program guide data in a plurality of queues. Rather, Roop teaches a highly deterministic,

sequential arrangement for transmitting data grouped by data

type (col. 11, lines 19-23):

> The output data stream is grouped and ordered by
> the data type. Due to the methods employed in
> the subscriber unit, it is optimal to sequence
> the data in a particular order. This allows the
> subscriber unit to collect an entire TV schedule
> in one pass of the data.

Although the Examiner concedes that "Roop does not

explicitly disclose that the memory is comprised of queues"

(Office action, page 3), the Examiner insists that "[i]t

would have been obvious to one of ordinary skill in the art

at the time of the invention to implement queues in the RAM

of Roop because it is commonplace to have a record cache or

record queue in the RAM of a set top box, as seen in Roop."

Applicants disagree with the Examiner's assessment of the

teachings in Roop and submit that the Examiner has failed to

establish a case of *prima facie* obviousness as set forth in

MPEP § 706.02(j):

> To establish a *prima facie* case of obviousness, three
> basic criteria must be met. First, <u>there must be some
> suggestion or motivation, either in the references
> themselves or in the knowledge generally available to
> one of ordinary skill in the art, to modify the reference or
> to combine reference teachings.</u> Second, there must be a
> reasonable expectation of success. Finally, the prior art
> reference (or references when combined) must teach or
> suggest all the claim limitations. The teaching or sugges-
> tion to make the claimed combination and the reason-
> able expectation of success must both be found in the
> prior art and not based on applicant's disclosure.
> (Emphasis Added)

As previously explained, Roop transmits an output

data stream of blocks of data types sequenced in a

12

particular order. Nowhere in Roop is there any suggestion

or motivation to change the above-described highly

deterministic arrangement of transmitting data to resemble

applicants' distribution scheme in which data to be

transmitted is assembled from a plurality of selectively

configurable queues. As a consequence, any proposed

modification of Roop to embody this feature would be an

improper basis for establishing a case of *prima facie*

obviousness as set forth in MPEP § 706.02(j) and further

elaborated in MPEP § 2143.01:

> The mere fact that references can be combined or
> modified does not render the resultant
> combination obvious unless the prior art also
> suggests the desirability of the combination.

Moreover, Pinder and Aristides fail to make up for

the deficiencies of Roop because neither Pinder nor

Aristides contains any teaching or suggestion relating to

the distribution of program guide data in selectively

configurable queues.

In addition, applicants disagree with the

Examiner's contention that the "record queue in the RAM of a

set top box, as seen in Roop" somehow renders obvious

applicants' arrangement of program guide data in selectively

configurable queues. The "record queue" described in Roop

is a recording queue for a VCR implemented on a set-top box

(Roop, col. 15, lines 26-52 and col 16, lines 6-16), which

has nothing to do with the distribution of program guide data to receivers, let alone the distribution of program guide to receivers from a plurality of selectively configurable queues.

In view of the foregoing, Roop, Pinder, and Aristides, whether alone or in combination, fail to show or suggest applicants' invention for distributing program guide data from a plurality of selectively configurable queues as defined in claims 1 and 14. Claims 1 and 14 are therefore patentable over Roop, Pinder, and Aristides. Accordingly, claims 2-13 and 15-26 are also patentable because they depend from claims 1 and 14, respectively.

Claims 27 and 28

The Examiner has also contended that the invention defined in claims 27 and 28 is obvious when compared with Roop modified in view of Pinder and Aristides. Claims 27 and 28 relate to a system and a method, respectively, for distributing program guide data through a plurality of feed generators, each of which is associated with a respective list of addresses and receives different program guide data from the main facility based on its associated list of addresses. Nothing like this is shown or suggested in Roop.

14

Even if Roop were to be modified in view of Pinder and Aristides as the Examiner has suggested, the resulting combination would fail to render claims 27 and 28 obvious because neither Pinder nor Aristides contains any teaching or suggestion of having a main facility send different program guide data to each of a plurality of feed generators based on the list of addresses associated with that feed generator.

In view of the foregoing, claims 27 and 28 are patentable over Roop, Pinder, and Aristides, whether taken alone or in combination. Claims 27 and 28 should therefore be allowed.

Claims 29 and 30

In the Office action, claims 29 and 30 were said to be unpatentable over Roop in view of Pinder and Aristides. Claims 29 and 30 relate to the formation of feed generator queues and the construction and transmission of messages containing program guide data from the feed generator.

Roop, even if somehow combined with Pinder and Aristides, fails to show or suggest the invention defined in claims 29 and 30. In particular, Roop, Pinder, and Aristides fail to teach the formation of a plurality of feed

generator queues for program guide data records, selecting a
given data record to be transmitted from a high priority
feed generator queue while avoiding data records with
addresses corresponding to receivers that are busy,
constructing a message from other data records with the same
address as the given data record, transmitting the message
to receivers having the address of the given data record,
and determining how long those receivers will be busy
processing the transmitted message.

Claims 29 and 30 are therefore patentable over
Roop, Pinder, and Aristides.

Newly-Added Claims 31-47

Newly-added claims 31-45 are patentable over Roop,
Pinder, and Aristides for similar reasons that claims 1-30
are patentable over Roop, Pinder, and Aristides.

Newly-added claims 46 and 47 are directed to
another embodiment of the invention defined in claims 1-30
that is not shown in either Roop, Pinder, or Aristides.
Specifically, Roop, whether alone or in combination with
Pinder and Aristides, fails to show the distribution of
program guide data to a plurality of receivers through a
plurality of local systems by a having main facility provide
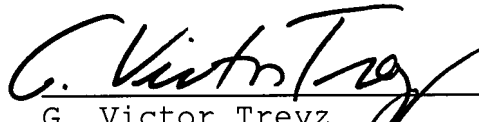the program guide data to a plurality of feed generators,

each feed generator having an associated list of receiver addresses, wherein different respective portions of the program guide data are associated with each of the lists of receiver addresses and each feed generator distributes the portion of the program guide data associated with its list of receiver addresses to a different subplurality of the local systems associated with that feed generator.

In view of the foregoing, newly-added claims 46 and 47 are patentable over Roop, Pinder, and Aristides.
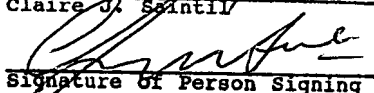
Conclusion

The foregoing demonstrates that claims 1-47 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance of this application are accordingly respectfully requested.

Respectfully submitted,

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17